IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Revision Application No. 42 of 2007
With
Criminal Revision Application No. 43 of 2007

Mr.Hemandas Bhagia & anr. Applicants
Vs.
State of Maharashtra & ors. Respondents

Mr.Mishra i/b. M/s.SRS Legal for for applicants.
Mr.Subhash Jha i/b. Mr.Randhir Singh for original complainant.
Ms.R.M.Gadhvi, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 22, 2007.

P.C.

. I have heard the learned counsel for the revision applicant in both these applications. Both the Courts below have recorded concurrent findings in holding him guilty for offence punishable under Sections 138 of the Negotiable Instruments Act, 1881.

. Consequent to the order passed by the learned Addl. Sessions Judge, Greater Mumbai on 19/1/2007, the applicant Shri Hemandas Bhagia, a partner of M/s. Kashmir Fruit Company has been taken in custody and the learned counsel states that Shri Bhagia is around 70 years of age. He seeks time to keep back the matter to take instructions for paying the entire amount. Matter is kept back till 3 p.m.

(In the IInd half)

. Admittedly the total amount has been received by the original complainant today by 3 p.m. and, therefore, this is a fit case for compounding the offence under Section 147 of the Negotiable Instruments Act, 1881.

. In view of the fact that the complainant has received the money, the offence held to have been proved against the applicant is allowed to be compounded and the orders passed by both the Courts below are hereby set aside. The applicant be set at liberty forthwith in case he is not required in any other case.

(B.H